**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

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**WRIT PETITION NO : 8689 of 2005**

Between:

G.V.K.Reddy, s/o Balireddy,
Vidyanagar, Karimnagar, Karimnagar District.

**..... PETITIONER**

AND

The Depot Manager, APSRTC,

Karimnagar-I Depot, Karimnagar District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions, more in the nature of Writ of Mandamus, declaring the office order dated 15-1-1999 passed by the respondent herein as illegal and arbitrary and contrary to APSRTC CC&A Regulations and set aside the same with all consequential benefits including arrears and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.P.GOVINDA RAJULU**

**Counsel for the Respondent : SMT.P.RAJANI REDDY**

**The Court at the stage of admission made the following :**

**ORDER:**

Declaring the action of the respondent in imposing major penalty vide proceedings No.02/95(117)/98-KRMR-I dated 15.01.1999, as illegal and arbitrary, the present writ petition is filed.

The petitioner is working as a Conductor in the respondent Corporation. He was charged on 11-12-1998,for certain cash and ticket irregularities in discharging his duties. Later, he submitted his explanation. But, the respondent without considering his explanation passed final order on 15.01.1999, without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of two (2) years, which shall have effect on the future increments of the petitioner. The petitioner preferred an appeal to the appellate authority, but the same was confirmed in Appeal also. Hence the petitioner filed this writ petition.

The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to him. Therefore, he approached this Court through this writ petition to declare that the action of the respondent is illegal and to direct the respondent to add the deferred increments.

It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of two years with cumulative

effect, imposed by the respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of two (2) years without cumulative effect. The petitioner is not entitled for the difference of the amount, if any, by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this Order, to which, he is entitled.

The writ petition is accordingly disposed of. No costs.

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K.C.BHANU, J.

Dated: 20..04..2005.

Rns

Copy to:

1. The Depot Manager, A.P.S.R.T.C., Karimnagar-I Depot,
   Karimnagar District.

2. Two C.D. Copies.